

05-16-01

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UTILITY PATENT APPLICATION TRANSMITTAL

(For new Non-provisional applications under 37 CFR 1.53(b))

05/15/01
1033 U.S. PRO
09/858207

05/15/01

Attorney Docket No.: VAL6131P0208AUS
 First Named Inventor: H. Outtrup et al.
 Express Mail Label No. EL820908746US

Box PATENT APPLICATION
 Commissioner For Patents
 Washington, D.C. 20231

Sir:

Transmitted herewith for filing is a new utility patent application of inventor(s): **Helle Outtrup, William D. Lidster, Susan C. McIntosh, Robert L. Starnes and Denise C. Manker** and entitled: **Mutants Which Produce a Potentiator of *Bacillus* Pesticidal Activity**. For purposes of publication, this patent application is assigned to: **Valent BioSciences Corp.**

Application Elements:

1. ☐ Applicant claims small entity status (See 37 CFR 1.27.)
2. ☒ Specification containing 44 pages.
3. ☒ Drawings: 4 Sheets of ☒ formal drawings ☐ informal drawings
4. ☒ Oath or Declaration (2)
 - a. ☐ An executed declaration or oath for the utility patent application including a power of attorney;
 - b. ☐ An unexecuted declaration or oath for the utility patent application including a power of attorney;
 - c. ☒ Copy from a prior application (37 CFR 1.63(d), for continuation/divisional with No. 17 completed.
 - i. ☐ Signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b).
5. ☐ Application Data Sheet (See 37 CFR 1.76.)
6. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix).
7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary).
 - ☐ Computer Readable Form (CFR)
 - ☐ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper
 - ☐ Statements verifying identity of above copies.

Accompanying Application Parts:

8. ☐ Assignment Papers (cover sheet, document(s) and requisite fee).

9. ☐ 37 CFR 3.73(b) Statement (where there is an assignee)
☐ Power of Attorney
10. ☐ English Translation document (if applicable)
11. ☒ Information Disclosure Statement (IDS), including PTO-1449
☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Return Postcard for PTO Mail Room Date Stamp (should be specifically itemized).
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed).
15. ☐ Request and Certification For Nonpublication Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
16. ☒ Other Declaration of Deposit; Version With Markings to Show Changed Made (7 pages)
17. ☒ **If Continuing Application**, check appropriate box and supply the requisite information below and in a preliminary amendment:
☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/013,375, filed 01/26/98.
Prior application information: Examiner: I. Marx, Group/Art Unit: 1651

For CONTINUATION or DIVISIONAL Applications only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4c, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Fee Calculation The filing fee has been calculated as shown below:

Small Entity						Large Entity	
For	No. Filed	No. Allowed	No. Extra	Rate	Fee	Rate	Fee
Basic Fee					\$355.00		\$710.00
Total Claims	6	- 20 =		x \$9.00	\$	x \$18.00	\$
Indep. Claims	1	- 3 =		x \$40.00	\$	x \$80.00	\$
Multiple Dependent Claims Present				+ \$135.00	\$	+ \$270.00	\$
				TOTAL	\$	TOTAL	\$710.00

18. ☒ A check in the amount of \$710.00 to cover the filing fee is enclosed.
19. ☐ Please charge my Deposit Account No. 04-1644 in the amount of \$_____.

20. ☒ The Commissioner is authorized to charge payment of the following amounts associated with this communication or credit any overpayment to Deposit Account No. 04-1644:
- ☒ Additional filing fees under 37 CFR 1.16 or deficiencies in remittances therefor.
 - ☒ Additional processing fees under 37 CFR 1.17 or deficiencies in remittances therefor.
 - ☐ **ONLY if applicant has partially paid** the patent issue fee under 37 C.F.R. §1.18, then the **deficiency** shall be charged to Deposit Account No. 04-1644, and the Commissioner is authorized to so charge the Deposit Account.

21. **Correspondence Address:** ROCKEY, MILNAMOW & KATZ, LTD.
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180 North Stetson, Suite 4700
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Customer Number (01942)
and/or Bar Code Label:



Date: 5/15/01

Attorney's Signature

Martin L. Katz
Martin L. Katz, Reg. No. 25,011

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this Utility Patent Application Transmittal, enclosed application, and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to Box PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231.

Express Mail Label No.: EL820908746US

Date of Deposit: 5/15/01

Typed/Printed Name of Person Signing: Carla Phillips

Signature:

Carla Phillips

Conclusion

The Applicants respectfully request favorable consideration and allowance of claims 18-23. If any fees are incurred as a result of the filing of this paper, authorization is given to charge Deposit Account Number 04-1644.

Respectfully submitted,

By: Martin L. Katz
Martin L. Katz, Reg. No. 25,011

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180 North Stetson Avenue, Suite 4700
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CERTIFICATE OF EXPRESS MAIL

I hereby certify that this Preliminary Amendment and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

EL820908746
Express Mail Label No.

05/15/01
Date of Deposit

Carla Phillips
*Typed/Printed Name of Person Mailing
Correspondence*

Carla Phillips
*Signature of Person Mailing
Correspondence*

05/15/01 10:28:26